

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75201

Rudy Encomienda
Bibiana Encomienda
4720 Stellabrook Lane
Rosedale MD 21237

12065 Falls Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 12, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 35-2-404, failure to remove all accumulations of debris, failure to repair: rotted wood, gutters/downspouts, fascia/soffit on residential property zoned RC4 known as 12065 Falls Road, 21030.

On April 21, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 8, 2010 for removal of trash and debris, remove fallen trees, limbs, old fencing, mattress, etc.; and repair exterior construction, repair or replace rotted wood, gutters, downspouts, fascia and soffits. This Citation was issued on April 21, 2010. Notices were mailed to the address listed by the owners in the Maryland property tax records, and were also mailed to another address found for the owners in Rosedale, Maryland. Notes in the file state that the property is vacant and appears abandoned.

B. Photographs in the file show junk, trash and debris in the yard of this residential property, including a discarded mattress, fencing material, lumber, tarpaulins, and tree branches. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs also show this property requires repairs to the exterior structure. Gutters and downspouts are missing. Bare wood and peeling paint are visible. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including keeping all exterior surface materials maintained weatherproof and properly surface-coated to prevent deterioration. Respondents are also required to repair or replace the missing gutters and downspouts. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

D. Review of the file shows that this property has a history of code violations and has required the County to clean and mow the property, at the owners' expense. Because compliance is the goal of code enforcement, the civil penalty for this Citation will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to clean up the property at Respondents' expense, and the owners will be subject to additional Citation for any continued violations.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if all violations are corrected by June 10, 2010.

IT IS FURTHER ORDERED that after June 10, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer